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Training Needs for Law Teachers: Being Strategic

Terry Hutchinson & Frances Hannah*

Abstract

The new teaching environment features flexible delivery, heavy use of technology, increased infusion of skills into the curriculum, large class sizes and overall, an increasing sophistication of the higher education teaching environment. Even in this environment, Erica McWilliams' "teaching tech(no)body",¹ the virtual instructor, needs some of the old-fashioned teaching skills so necessary for rounded delivery of knowledge and skills to the students. This article examines training needs and options for legal academics and points to effective ways of engendering excellence. The article argues that voluntary teaching improvement rather than accreditation is the more valuable. However, any up-skilling schemes should not become an institutional or personal barrier to personal diversity in teaching style in the university, and especially in the Law School.

The Context of Legal Education

All academics have traditionally treasured their intellectual freedom. This group has always quite rightly viewed any infringement with concern. However, reality suggests there has been a mammoth change in many aspects of university teaching culture.

These changes include firstly, an infusion of skills into the university curriculum. Law schools have always aimed to engender lawyering skills such as legal analysis and legal research into their courses, but modern agendas have driven this further. A larger number of skills are being taught,

assessed and developed over the course of the degrees. This emphasis places new demands on legal academics.

Secondly, the larger universities are enrolling unprecedented numbers of law undergraduates in their degrees. First year intakes of six and seven hundred students mean academics must be skilled in delivering to large groups. This reflects the shift from "an elite to a mass system of higher education".² Large student numbers have increased the diversity of the student body in terms of gender, ethnicity, age, disabilities, international status, and study status including external/part-time/full-time offerings,³ and large numbers also include a greater range of students with varying capabilities and learning styles.⁴ This means that if the standard of teaching is poor then the less able students will suffer the most. In addition, more students are studying law units when English is their Second Language. In this situation, poor communication from academics can affect student learning more than would otherwise be the case.

Thirdly, there is the increased use of technology and on-line teaching. Academics need to be skilled in electronic mediums to a much larger extent than in the past. They must become proficient in new skills in order to pass these skills on to their students. Connected to this is the increased use of flexible delivery, that is, delivery which will suit the students' learning patterns and lifestyles. A feature of this environment is, apart from on-line teaching, the other modes of flexible delivery such as print and tapes, the use of intensive teaching, video and CD Rom. Old ways of doing things can be unhelpful in this environment.⁵ Three days of straight old-fashioned lectures for example may be totally inappropriate when the unit is being run in an intensive mode although it may have been quite appropriate in the past when the identical material was delivered for two hours a week over a 13 week period.

* Terry Hutchinson and Frances Hannah are senior lecturers with the Law School, QUT. An earlier version of this article was presented to a Law Teaching Workshop, December 1999, Byron Bay.
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1 E McWilliam, No Body to Teach (with)? The Technological Makeover of the University Teacher (1997) 24 (1) *Australian Journal of Communication* 1.

2 S Rowland and C Byron, Turning Academics into Teachers? (1998) 3 (2) *Teaching in Higher Education* 133.

3 Higher Education Research and Development Society of Australasia (Inc) HERDSA *The Accreditation of University Teachers: A HERDSA Discussion Document* July 1997, at 3.
<http://www.herdsa.org.au/> (14/4/2000).

4 Sarasin, *Learning Style Perspectives: Impact in the Classroom* (Madison: Atwood Publishing, 1999). See also the ministerial discussion article, Commonwealth of Australia, Department of Education, Science and Training (DEST) *Higher Education at the Crossroads*, (April 2002) [hereafter, the Nelson Review], at 2.
<http://www.dest.gov.au/crossroads> (23/5/02).

5 *Id* at 3.

Fourthly, there is increased sophistication of the secondary school learning environment. Younger students are entering universities with different school experiences from their more mature colleagues. The secondary school environment has been placing less emphasis on rote learning and more emphasis on critical thinking skills and oral presentations. These skills need to be reflected and fostered further at tertiary level.

Fifthly, there are increased government expectations tied to university funding criteria. Governments are tending to push educational agendas and policy through their provision of funding to universities.⁶ Grants and additional funds are being provided in areas where the government wants action, for example, links with industry, and instrumental research. This has meant that academics are being pushed into researching and teaching new areas outside their comfort zones. In addition, an extensive literature of teaching and the scholarship of teaching has now been developed. This wealth of information is available for academics to access in dealing with these new factors in their environments, but will it be accessed by those who need it?

University administrators have noted that the purse string holders are seeking accountability and quality assessment.⁷ Peer review has been in place for some time. There are also standard measures such as university course review processes, and documentation required for course development. Teaching development activities have either been organised by the university teaching support units, individual schools or faculties, or combined universities teaching associations. The take-up on these courses has always been primarily at the individual teacher's discretion. Peter Coaldrake for

6 The Nelson Review, *supra* note 4, does not explicitly address the issue of teacher development or training. The ministerial discussion paper (April 2002) raises the question of how the status and quality of teaching in higher education can be improved (at Question a2), and there is some discussion of quality of academics in the subsequent paper, *Striving for Quality – learning, teaching and scholarship* (June 2002), but teaching skill development is again not directly addressed. See <http://www.dest.gov.au/crossroads> for all the relevant papers attached to the review process.

7 See for example, Commonwealth of Australia, Department of Education, Science and Training (DEST) *Learning for the Knowledge Society – An Educational and Training Action Plan for the Information Economy*, 2000 at 9/72. <http://www.dest.gov.au/schools/Publications/2000/learning.html> (20/3/02). This document states: "Professional development for teachers, trainers, content developers, researchers and all other workers in education and training is essential to allow them to be change agents to achieve the goals of the information economy".

example has warned that, "Those who provide funding for higher education, whether they be fee-paying students, business or government, are unlikely in the contemporary context to accept such a laissez-faire attitude as the basis for quality assurance".⁸ The same article noted the move towards more emphasis on training and use of student evaluations to judge and quantify teaching effectiveness – "In recent years there has also been a trend towards the more systematic use of graduate certificates in teaching and the use of various forms of quality improvement, including student evaluation and feedback and peer review."⁹

Another commentator, Patricia Cross, has pointed to two main issues in regard to quality in higher education. Firstly, there is assessment, and in particular, "How do we know how much and how well students are learning?" The other quality-focussed issue revolves around faculty development. The latter issue raises the question as to "How we help college faculty become more effective teachers, especially in working with the new populations".¹⁰ Cross was commenting on the North American scene and noted that many faculty members had not experienced any preparation for teaching through recognised training schemes or even through proof of prior experience.¹¹ However, she also noted that the trend to large numbers in tertiary institutions had changed things so that with greater access and increased numbers good teaching was becoming more important. As she said, "poor students need good teachers". Cross also noted that whereas the higher education rewards system has been geared towards rewarding research, things were slowly changing. Teaching awards were being instituted. Systems of student evaluations were becoming the norm. Universities were establishing central organisational sections to foster good teaching.¹² Quality in teaching is therefore becoming recognised as an important issue.

8 Coaldrake and L Stedman *Academic Work in the Twenty-first Century: Changing Roles and Policies* (99H Occasional Article Series Canberra: Higher Education Division Department of Education Training and Youth Affairs, September 1999) at 11.

9 P Coaldrake and L Stedman, *Id.*, at 10.

10 Cross, Patricia 'An American Perspective on Transition: Issues of Quality and Access' (1994) 2 (3) *Curtin: A Newsletter of Curtin University Teaching Learning Group* 1.

11 Cross, Patricia 'An American Perspective on Transition: Issues of Quality and Access' (1994) 2 (3) *Curtin: A Newsletter of Curtin University Teaching Learning Group* 2.

12 *Id.*

A recent ministerial discussion article¹³ states that the higher education sector in Australia needs to be value-adding, learner-centred, high quality, equitable, responsive, diverse, innovative, flexible, cost-effective, publicly accountable and socially responsible. Will teacher accreditation in universities contribute to these desired characteristics? The Draft QUT Response seems to be moving the debate in this direction:

In terms of enhancing the status and quality of teaching in higher education, there is an extremely good argument for academic staff to be professionally prepared for their teaching role, which may include completing higher education teaching qualifications or equivalent. Such a requirement would demonstrate to staff, students and the wider community that teaching expertise was assessed to a professional standard.¹⁴

This issue is definitely being moved up the agenda. What is a strategic way forward?

This article examines training needs and options for legal academics and points to effective ways of engendering excellence. The article argues that voluntary teaching improvement rather than accreditation is the more valuable.

Defining the Term Accreditation

Most of the intense debate surrounding this issue uses the term 'accreditation'. What is accreditation? Dictionary meanings are fairly clear on the matter. It is a process of giving credit, of authorizing and recognising officially.¹⁵ The Higher Education Research and Development Society of Australasia (Inc) (HERDSA) in their discussion article on this particular version of accreditation have used the term to mean "the formal acknowledgement of professional status achieved by individual university teachers". Inherent in this is an assumption that an organisation would be required to

manage the programs and keep the register.¹⁶ The term accreditation tends to inspire negative overtones in academic circles. A structured voluntary teaching improvement scheme may prove more acceptable to many academics. But will this be sufficient for university administrators?

Accreditation: Threat or challenge?

The arguments in favour of accreditation include:¹⁷

- Accreditation will ensure transferability. There are already some mandatory schemes in place internationally and an Australian equivalent would provide safeguards for those moving between jurisdictions.
- An accreditation scheme introduced gradually with the agreement of academics will pre-empt the inevitable. It seems more efficient to put in place some acceptable criteria than wait for an externally imposed and possibly discipline inappropriate scheme.
- Accreditation allows for the skilling up of university teachers to bring them up to date with the changing teaching environment, as well as aiding skills development to deal with the increasing complexity of academic work.
- Accreditation represents an easily quantifiable quality assurance scheme in an era when this is important for funding purposes.
- Accreditation will improve teaching standards.

Some of the arguments put forward against accreditation include:

- What proof is there that accreditation will improve teaching? Does the fact that secondary teachers are accredited in addition to their subject knowledge mean that all such teachers are effective at teaching? Recent moves for further accreditation in that sector suggest not.¹⁸
- Insufficient assessment has been done of the effect of accreditation in other jurisdictions, such as the UK, where it has been introduced. Would accreditation really improve the Course Evaluation Questionnaire results? There is inadequate evaluation available of the effects of the process

13 Commonwealth of Australia, Department of Education Science and Training (DEST) *Higher Education at the Crossroads*, April 2002, at 2-3. <http://www.dest.gov.au/crossroads> (23/5/02).

14 Queensland University of Technology Draft Submission to the Review of Higher Education Ministerial Discussion Article *Higher Education at the Crossroads*, June 2002, at 5 of 43. http://www.qut.edu.au/pubs/vice_chan/vice_chan_home.html (10/6/02).

15 *Heinemann Australian Dictionary* 3rd ed, (Melbourne: Heinemann Australian Dictionary, 1987), at 7.

16 Higher Education Research and Development Society of Australasia (Inc) HERDSA *The Accreditation of University Teachers: A HERDSA Discussion Document* July 1997, at 2.

17 See generally the points canvassed *Id* at 4 of 10.

18 See the debates and columns in the *Courier Mail*: Editorial Making sure teachers measure up 21/3/02, at 16; M Fynes-Clinton Call for "open" teacher standards CM 20/3/02, at 5.

where it has already been implemented. Perhaps it would be best to wait for this to occur in those jurisdictions that have accreditation so that Australian academics can benefit from other experience. The Centre for Higher Education Practice at the Open University in the UK, for example, is undertaking a project to evaluate the effectiveness of a part-time training programme. The initial results seem favourable but involve methodological difficulties such as data being gathered from self-selected samples of teachers and results being collected from a self-selected sample of students.¹⁹

- Oppression resulting from increasing credentialism of the workforce will take away valuable time from more productive activities including research. Promotion barriers are rising with many law faculties now requiring a doctorate for promotion purposes. Teacher training could be viewed as just one more barrier to the workforce.
- An over-emphasis on teaching might lead to a trivialisation of academic work to emphasise the issue of teaching rather than research, and expansion of knowledge boundaries by students and teachers alike. This may restrict the meaning of the academic role. As John Gava has argued so strongly recently, "Instead of reading and thinking and discussing ideas with their colleagues, academics will be given another bureaucratic hurdle; they will be required to waste precious time and energy acquiring superfluous skills at the expense of doing what really will make them good university teachers."²⁰
- Accreditation may therefore lead to the downgrading of the importance of subject knowledge and skills as the paramount concern of university teaching.
- It may also lead to further control mechanisms being put in place leading to additional encroachment on academic freedom.
- Generic teacher training is too general for most disciplines at the tertiary level. There may be a need for more specific help in some areas. Universities are very diverse and a general qualification is unlikely to help anyone in particular.

19 M Coffey and G Gibbs, Can academics benefit from training? Some preliminary evidence (2000) 5 (3) *Teaching in Higher Education* 385.

20 J Gava, Ideas better than skills *The Australian Higher Education Review* 21/8/02, at 41.

- Would teaching accreditation help research, or mean that more academics would be asked to join community bodies? What are the primary law school priorities? A credential only provides a snapshot of skills. Technology developments and contextual change require continuing updating and perhaps this is better dealt with by a continuing legal education process.

Therefore, the list of arguments against accreditation would seem to be longer than the list favouring implementation. However, it would also seem that university and government policy may drive the debate eventually and it is at that stage that the former arguments may be privileged.

Union Views on Formal Teaching Qualifications for Tertiary Level Teachers

In Australia, the National Tertiary Education Union (NTEU) negotiated a position classification standard (PCS) for each level (A-E) to ensure consistency across the country in regard to qualifications, duties and remuneration. However, the PCS has no "teaching" qualification/accreditation component, the only reference being to teaching experience. The NTEU in Australia has no formal policy on accreditation at present. They are very "supportive of institutions assisting staff to undertake training in teaching" but there is no support for teaching accreditation being made mandatory.²¹ There is a concern that once a system of teacher accreditation is put into place then it will, "by default, become a requirement".

The New Zealand representative body, the Association of University Staff (AUS), has formulated a policy on professional development and the accreditation of university teaching.²² The AUS supports "a culture of in-service, ongoing professional development of staff" in universities, assisted by the staff development units. However, the AUS opposes mandatory accreditation of university teachers, and "would regard with extreme caution any non-mandatory

21 Higher Education Research and Development Society of Australasia (Inc) *HERDSA The Accreditation of University Teachers: A HERDSA Discussion Document* July 1997, at 4 and email from Simon Kent Policy and Research Officer NTEU (21/3/02). As the NTEU has no formal policy on this issue, it can also be said that it does not oppose teaching accreditation being made mandatory.

22 See generally at <http://www.aus.ac.nz>. For the specific policy see <http://library.psa.org.nz/>. The policy was formulated at the AUS National Conference in 2000.

formal accreditation scheme" on the basis that "non-mandatory schemes could lead to mandatory accreditation".

Accreditation has not gone ahead in Canada. Moreover, Canadian faculty have not supported any move in that direction. The Canadian Association of University Teachers (CAUT) condones efforts to promote the value and quality of teaching, but flatly dismisses any overtures that imply mandatory certification.²³

Accreditation has been introduced in the United Kingdom. The Association of University Teachers (AUT) in the United Kingdom has formed a view on their preferred model for accreditation. This model endorses "individuals completing approved courses successfully" being awarded "accredited status in teaching by the national accreditation body". The Union "will only endorse accreditation schemes which are properly staffed and resourced and which meet the requirements of our preferred model and accord with our professional standards."²⁴

In addition, AUT's documentation states that "in so far as we are contemplating compulsory accreditation at all, it would only apply in relation to new entrants to the profession, perhaps linked in some way to probation. Participation in in-service accreditation schemes would be voluntary."²⁵ This view also acknowledges however that there must be "some relationship between career development and professional accreditation if staff and management are to take it seriously."²⁶

The principles guiding the AUT Policy are similar to the views expressed by the CAUT, the NTEU and the AUS.²⁷ Unions of academics in this context are mainly concerned with the distinctiveness of university teaching and its interrelationship with research, the continuation of academic freedom, and the quality of any accreditation courses offered to academics.

23 Association of Universities and Colleges of Canada Pedagogy and the new article chase: today's instructors find credentials of their own (1999) June/July *University Affairs*, at 2. <http://www.aucc.ca/en/uaoindex.html> (8/4/02).

24 Association of University Teachers Accreditation of University Teaching: AUT Policy <http://www.aut.org.uk/campaigns/accreditation.htm> (18/3/02).

25 *Id.*

26 *Id.*

27 *Id.*

The Current Australian and International Environment

The West Committee²⁸ recommended in its final report that "the Government should entrust to the Committee for University Teaching and Staff Development (CUTSD) the task of promoting an enhanced teaching culture in higher education institutions to balance the established research culture".²⁹ In particular, the institutions should be encouraged "to appoint new academic staff on probation until they have completed a qualification in teacher training".³⁰ Responses to this recommendation have been varied. Some institutions have introduced short courses for new staff,³¹ some have full teaching qualification on offer for all staff,³² and some have no requirements at all.

In Canada, at least 37 universities have "administrative units dedicated to providing graduate students and faculty with resources to enhance their teaching skills. And as the responsibilities of these centres have expanded, at least eight of them have mounted a certificate program, with more preparing to do so next year."³³ The first Canadian certificate programs were offered by the University of New Brunswick and York University, both of which began awarding certificates in 1993. York now has 270 graduate students taking its program, reflecting the university's emphasis on reaching academics at this nascent stage of their careers. This is meant to offset the traditional imbalance where students used to be assessed exclusively on their skills and talents as prospective

28 R West, *The Commonwealth of Australia, Department of Education, Science and Training (DEST) Review of Higher Education Financing and Policy* (Department of Education, Training and Youth Affairs, Commonwealth of Australia, 1998).

29 West Report, *Id.*, Recommendation 24.

30 *Id.*

31 For example, the Australian National University, University of Western Australia, Queensland University of Technology.

32 For example, the University of Canberra, Northern Territory University, the University of Sydney, University of Wollongong, Macquarie University, the University of NSW, University of Technology Sydney, Griffith University (course accredited by SEDA), Queensland University of Technology (course accredited by SEDA), James Cook University, the University of Queensland, Swinburne University of Technology, Royal Melbourne Institute of Technology, Edith Cowan University, Curtin University of Technology.

33 Association of Universities and Colleges of Canada, Pedagogy and the new article chase: today's instructors find credentials of their own (1999) June/July *University Affairs*, at 1. <http://www.aucc.ca/en/uaoindex.html> (8/4/02).

researchers with no comparable assessment of their abilities as teachers. In addition, graduate students are beginning to report that certificates of teacher training can be instrumental in landing a job.³⁴

In the UK, the Report of the National Committee of Inquiry into Higher Education (Dearing Report) was published in July 1997. The Executive Summary states in regard to training in teaching:³⁵

The main findings from the survey were:

Just over half of academics had received some training in teaching methods, but the corresponding proportion fell to a third amongst research-grade staff who also taught.

Two-thirds of those who had received any training had done so only at the beginning of their careers.

Half of academics had heard of teaching accreditation, but those in '1992' universities were much more likely to have heard of it than those in 'pre-1992' universities.

Of those who had heard of proposals for accreditation of teaching competence, just over half favoured it.

The Recommendations included:³⁶

13 We recommend that institutions of higher education begin immediately to develop or seek access to programmes for teacher training of their staff, if they do not have them, and that all institutions seek national accreditation of such programmes from the Institute for Learning and Teaching in Higher Education.

14 We recommend that the representative bodies, in consultation with the Funding Bodies, should immediately establish a professional Institute for Learning and Teaching in Higher Education. The functions of the Institute would be to accredit programmes of training for higher education teachers; to commission research and development in learning and teaching practices; and to stimulate innovation.

³⁴ *Id.* at 3.

³⁵ *Report of the National Committee of Inquiry into Higher Education (Dearing Report)* 31/7/1997 [http://www.leeds.ac.uk/educol/ncihe/\(18/3/02\), Recommendation 13 and 14](http://www.leeds.ac.uk/educol/ncihe/(18/3/02), Recommendation 13 and 14).

³⁶ *Id.*

The Government's response to the recommendations was published the following year. The responses to Dearing recommendations 13 and 14 were, respectively:

8.1 The Government agrees with this recommendation, as noted in Chapter 3, para 3.3.³⁷

8.2 Although this is primarily a matter for the institutions providing higher education, the Government supports this recommendation and would like to see the Institute offer a range of membership or associated membership possibilities, to which all who teach students can aspire. The Government's long-term aim is to see all teachers in higher education carry a professional qualification, achieved by meeting demanding standards of teaching and supervisory competence through accredited training or experience. It understands that the HE representative bodies are looking at ways of extending accreditation to existing staff which it welcomes.³⁸

Thus, the Staff and Educational Development Association (SEDA) scheme has been developed in the UK. The SEDA rejects "a model of accreditation which is external, inspectorial and purely competency based."³⁹ Under its scheme, "a programme will be recognised if it requires teachers to demonstrate the achievement of each of eight objectives and outcomes, in a way which reflects the six underpinning principles and values,⁴⁰ involves an appropriate mix of self-, peer- and tutor-assessment, is externally examined and/or moderated, has a procedure for dealing with appeals against accreditation decisions, and has a procedure for regular review of the programme."⁴¹

³⁷ *Higher Education in the 21st Century – government response*, 1/3/98. [http://www.leeds.ac.uk/educol/ncihe/\(18/3/02\)](http://www.leeds.ac.uk/educol/ncihe/(18/3/02)).

³⁸ *Id.*

³⁹ Higher Education Research and Development Society of Australasia (Inc) *HERDSA supra* note 3, at 6.

⁴⁰ *Id.* The six underpinning principles and values are an understanding of how students learn, a concern for students' development, a commitment to scholarship, a commitment to work with and learn from colleagues, the practising of equal opportunities, and continuing reflection on professional practice – see at <http://www.seda.demon.co.uk/tapv.htm> (28/3/02).

⁴¹ Staff and Educational Development Association (SEDA), *The SEDA Teacher Accreditation Scheme* <http://www.seda.demon.co.uk/pdaf.html> (18/3/02).

The eight objectives and outcomes which an accredited teacher must demonstrate are that they have:

- designed a teaching program or scheme of work from a course outline, document or syllabus,
- used a wide and appropriate range of teaching and learning methods effectively and efficiently in order to work with large groups, small groups and one-to-one,
- provided support to students on academic and pastoral issues in a way which is acceptable to a wide range of students,
- used a wide and appropriate range of assessment techniques to support student learning and to record achievement,
- evaluated their own work with a range of self, peer and student monitoring and evaluation techniques,
- performed effectively their teaching support and academic tasks,
- developed personal and professional strategies appropriate to the constraints and opportunities of their institutional setting, and
- reflected on their own personal and professional practice and development, assessed their own future needs and made a plan for their continuing professional development.⁴²

Thus, it will be useful to watch the approach taken in the UK, bearing in mind that any model developed there may not be entirely suitable for a less centralised system such as exists in Canada or Australia.⁴³ The outcomes need to be measured against the effects on already measured success in the institutions. This is not simply a matter of additional skills training for academics. There are political and governmental education agendas driven by liberal philosophical theories steering the debate. Students (and parents) who are being forced to pay highly for their education tend to be more demanding than those in a laissez faire public funded sector. It is also a matter of overturning some basic ideas prevalent in the universities of their main purpose. Is it to teach students? Is it to provide cutting edge research? Will these fairly simplistic accreditation moves change the whole role of universities? Or has this role been changed in any case, especially in the new universities sector?

⁴² *Id.*

⁴³ A Jenkins, *Turning Academics into Teachers: A Response from a "Non-academic" Unit* (1999) 4 (2) *Teaching in Higher Education* 281, at 3 of 4.

QUT Approaches in regard to Teaching and Learning

Some of the factors providing necessary context at QUT are the need for increased quality assurance, the developing Performance Planning and Review (PPR) process for academic staff, realistic academic workloads, and the developing importance of generic capabilities for students, and therefore by extension, for staff.

The Role of the QUT Teaching and Learning Unit

The QUT teaching and learning unit, Teaching and Learning Support Services (TALSS), is involved in developing seminars and short courses for academic staff. QUT also has an introduction to tertiary teaching course for new staff called ENTER, which is highly valued by commencing academics. In addition, TALSS conducts individual seminars on various topics which are designed to enhance teaching skills.⁴⁴ However, these programs, although valuable, are entirely voluntary, and attract relatively small numbers of attendees. This may be regarded as an argument for the introduction of some more formalised program of training for academics, but may equally represent the difficulty academics face in balancing the multiple demands on their time made by a modern university. Voluntary programs of teaching improvement can work, but only if fully supported, not just financially (as is already the case at QUT), but also with respect to time allowed to undertake the course, and workloads issues.

Links to Performance Planning and Review (PPR)

There is no overt linkage between PPR at QUT and improvement in teaching skills by a staff member. However, the PPR process is used to alert academic staff to the existence of the Graduate Certificate in Education (Higher Education) offered at QUT, and to encourage them to undertake this course. However, out of a current Law Faculty full-time academic staff of 68,⁴⁵ only 3 staff have completed the course,⁴⁶ and no staff are currently undertaking the course.

⁴⁴ Topics covered in seminars and short programs include improvement in general assessment practices, flexible assessment in flexible delivery, effective presentation skills, effective use of PowerPoint, online teaching and use of other internet technologies, internationalisation of curriculum, use of learning contracts, and postgraduate research supervision.

⁴⁵ As at 31/3/02.

⁴⁶ One casual staff member has completed the course.

Role of Student evaluations

One of the operational targets of each Faculty at QUT is to complete a student evaluation of unit (SEU) for 20% of total units each year. The Law School (though not the Faculty as a whole) has consistently met this target since 1998. These evaluations are used to inform unit teaching teams, and are required to be, commented on to students via each unit's study guide. Also available to staff, and very widely used, are student evaluations of teaching (SET). These evaluations are used for PPR, personal promotion applications, and for determining teaching awards each year.

Teaching Awards program in the Law Faculty

The Law Faculty has a teaching awards program which was instituted in 1998. Two awards are available for teaching innovation and excellence each year, one for full-time staff, and one for casual staff. These awards were developed as a means of recognising good teaching within the Faculty which staff had felt was not valued as an activity in itself or for any purpose, even personal promotion. The criteria for the award include SEU and SET results in the previous year, evidence of team leadership in teaching, developments in curriculum and unit design, efforts to improve teaching in the Faculty, evidence of scholarship in teaching, and innovation in online and flexible delivery. There is no explicit reference to the need to demonstrate improvement in teaching skills via courses or short programs of training.

Role of the Teaching Interest Group (TIG) in the Law Faculty

The Law Faculty has had a teaching interest group (TIG) operating for the last 12 years. This group has addressed many current issues in teaching and learning over that time, including issues in assessment, curriculum development and innovation, demonstrations of teaching technique, use of technology in teaching, skills development, incorporation of generic capabilities in the curriculum, and reflections from visiting academics about teaching and learning in their institutions. However, although the group is valued by staff, particularly as a means of disseminating interesting innovations from their own classrooms, and encouraging peer mentoring, it does not represent a structured response to the need for teaching improvement or training.

Development of Generic Capabilities for Staff

Generic capabilities are quite separate from good teaching characteristics.⁴⁷ However, student focus groups at QUT have indicated that the development of teaching skills for academic staff is seen as a priority which has linkages to the development of a set of generic capabilities for staff.⁴⁸ QUT is currently considering a set of generic capabilities for staff, and has commenced a project to investigate this issue. The staff capabilities which were at first considered included such aspects as knowledge and skills pertinent to a particular discipline or professional area, critical creative and analytical thinking, and effective problem solving in the teaching of the discipline as well as student learning, effective communication in a variety of contexts and modes, the capacity for life-long learning, the ability to work independently and collaboratively, social and ethical responsibility and an understanding of the indigenous and international perspectives, and characteristics of self-reliance and leadership.⁴⁹

The issue of the connection, if any, between teacher accreditation for university teachers and the development of generic skills for university teachers is one beyond the scope of this article. QUT's own working documents on the issue certainly confuse the need to develop generic skills in students with what teachers need to be able to do themselves. Is teacher accreditation about good teaching and the specific skills that support good teaching, about generic (not just teaching) skills for teachers, about modelling generic skills for students, a combination of these things, or is it just a managerial tool to encourage conformity?

The Impact of Accreditation on Law Schools

The question must be asked as to whether the imposition of teaching accreditation will have an unduly detrimental effect

47 P Ramsden, *Learning to Teach in Higher Education*, (London: Routledge, 1992) 89; D Laurillard, *Rethinking University Teaching*, (London: Routledge, 1993) 29.

48 G Hart, T Stone, R Daniel, R King, *Student Perspectives on the Development of Generic Capabilities at QUT* (Draft Report, November 2001).

49 The current project, which will continue throughout 2003 is now gathering ideas for "generic skills for teachers" based on faculty focus group meetings. The framework supporting these meetings lists desirable groupings of teacher capabilities as: managing teaching and learning, designing teaching and learning, assessing teaching and learning, engaging learners, improving teaching strategies, and being engaged in teaching scholarship.

on academics in the law schools. One of the dangers of accreditation is that the schemes developed are trying to be a one size fits all approach. Different subjects need to be taught in different ways. Different teachers communicate differently, and different cohorts of students need to be treated differently. Mandatory accreditation runs the risk of simply being a generic qualification and another barrier to academia.

Lawyers have already received a professional accreditation, as well as attaining higher educational qualifications than might otherwise be the norm for those in the practising profession. The PhD/SJD moratorium has now been lifted for the purposes of personal promotion within many of the universities. This means that many law academics are being strongly encouraged to enrol in long-term research degrees. Most academics need to complete much of their research degree study part-time. Are more requirements to be foisted on this group to add to the already long credentialing period?

What do current law teachers think they need? The most pressing requirement for law teachers is the attainment of a doctoral qualification. This has now become the minimum requirement for promotion and the preferred requirement for appointment in law schools. Since this qualification demands total dedication to the writing of a thesis, there would seem to be little time left to complete a teaching qualification as well.

In addition, law teachers might specify that they require assistance with the following, pending changes in the curriculum to include more skills training and use of technology:

- training in technological skills that includes the pedagogical aspects of websites as well as the organisational and administrative aspects,
- assistance in determining the most meaningful use of teaching aids so that there is value adding through use of technology (eg PowerPoint), rather than simply another format for using overheads,
- help in dealing with teaching English as a Second Language students especially in regard to assessment and seminar participation,
- more guidance in respect of the increasing emphasis on contextualisation and the types of teaching styles conducive to cope with critique issues,
- guidance in the differences of approach and techniques needed for large and small group teaching,
- guidance in terms of Mooting and problem setting skills, and

- more expert level training on all the skills needing to be included in law degrees.

These are immediate on the job training requirements, some of which may be picked up in a teaching course but some of which are too specific to necessarily be caught in the generic higher education net.

How are all these requirements to be balanced? Let us not forget that this group also has workload research commitments that include some published annual research target. So, academics are working under the need for continuous research output and a timely PhD/SJD completion, as well as developing skills to enhance students' skills training. How will this be prioritised against the need for teaching accreditation? Many will ask whether (and when) academic salaries might begin to reflect these credentials? Will such unrealistic requirements prompt many academics to return to the practising profession, where they can command larger salaries, with a resulting loss to the legal teaching cohort?

Recommendations

The Nelson Review does not explicitly address this issue, although it queries how teaching could be enhanced in terms of quality and value. However, no discussion is advanced on teacher training or accreditation in the papers attached to the review.⁵⁰ The discussion of quality in education focuses on outcomes for students only, and on quality assurance processes for universities as institutions, but ignores the strategic value which could be added to the university sector as a whole by putting effort into skills development for university teachers.

However, it is clear from the topics explored in this article that all tertiary teachers, including those in law schools, would benefit from some teacher training. As Terry Smyth points out "who in all honesty, could argue that teaching and learning could not be improved ...".⁵¹ But how is this to

⁵⁰ The ministerial discussion paper, *Higher Education at the Crossroads* (April 2002) raises the question of how the status and quality of teaching in higher education can be improved (at Question a2), and there is some discussion of quality of academics in the subsequent paper, *Striving for Quality – learning, teaching and scholarship* (June 2002), but teaching skill development is again not directly addressed. See <http://www.dest.gov.au/crossroads> for all the relevant papers attached to the review process.

⁵¹ S Rowland and C Byron, *Turning academics into teachers?* (1998) 3 (2) *Teaching in Higher Education* 133.

be achieved? How should the "monster of 'instructional idealism'" be contained?⁵² The range of choices include:

- mandatory training and accreditation for all staff
- mandatory training and accreditation for new staff
- voluntary training and accreditation for all staff within a set time frame
- voluntary training (via an accredited program) when time allows
- ad hoc seminar/training programs
- no training in tertiary teaching.

Which of these options represents a viable outcome? The academic unions have a united position against mandatory programs of accreditation. The current climate in higher education does not seem conducive to releasing academics so that they could complete even a one-semester full time teaching course. Demanding that working academics take on additional part-time study is also burdening a group who are already stretched because of increasing student numbers and administrative workloads together with research requirements. However, a "no training" position represents no connection to reality. Ad hoc seminars, however well structured in themselves, do not attract large numbers of attendees, and do not address sufficiently the issues of reflection and changing practice within a stipulated timeframe.

New staff are already offered training by some universities.⁵³ This course might constitute a threshold requirement for those staff. Subsequent courses might be allocated band levels. Those applying for personal promotion might be expected to have satisfactorily completed training courses to the appropriate level.⁵⁴

Thus, a position of encouragement of voluntary training in a set time frame represents the best outcome, and one which may add the most value. But which form of voluntary training? Perhaps one answer might be training courses offered with continuing education points attached. The courses would need to be refereed and each academic staff member might be asked to accumulate a number of training points per year. Perhaps those courses which are more interactive and have some participation and assessable outcomes would

52 *Id.*

53 For example, the ENTER program at QUT offers some, very limited, training in this regard.

54 This could include a compulsory legal education component of a professional doctorate qualification.

constitute more points. These schemes would need to be included in initial workload schedules.

The Australasian Law Teachers Association already runs one week legal education workshops. These too could be segmented and offered in short courses throughout the year. These very focussed sessions would serve as adjuncts to courses run within individual universities.

The Association and the Committee of Law Deans would be well placed to advance this agenda so as to set in place a structured and pertinent education process. Good up-to-date teaching skills are essential. Mandatory higher education accreditation is already to some extent on the agenda.⁵⁵ It is time for action and leadership in ensuring that any outcomes are "fit for the purpose" as far as the law schools and law teachers are concerned. As a group we need to ascertain what skills and knowledge are needed and set about making certain we have structures in place for our members to attain those needs in a realistic framework, taking into consideration present workload expectations, and at a level commensurate with the (education) industry standards. This would certainly be strategic in the present higher education environment.

55 For example, QUT's response to Higher Education at the Crossroads mentions, in response to question a2 of the ministerial discussion paper of April 2002 that "there is an extremely good argument for academic staff to be professionally prepared for their teaching role".